

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

100TH LEGISLATIVE DAY

TUESDAY, MAY 21, 2002

3:00 O'CLOCK P.M.

No. 100
[May 21, 2002]

The Senate met pursuant to adjournment.
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
 Prayer by Senator Adeline J. Geo-Karis, Zion, Illinois.
 The Illinois National Guard, 183rd Fighter Wing, Springfield, Illinois led the Senate in the Pledge of Allegiance.

The Journal of Wednesday, May 15, 2002, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

The Journal of Thursday, May 16, 2002, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

A report on The Homeless Prevention Program, Fiscal Year 2001, submitted by the Department of Human Services in accordance with Public Act 86-1454.

The Annual Joint Report, Home Services Program, Volume II FY 2001, submitted by the Department of Human Services.

A report on the designation of Champion Laboratories, Inc. as an Illinois High Impact Business submitted by the Department of Commerce and Community Affairs pursuant to 20 ILCS 655/5.5 (1999 Illinois Compiled Statutes), as amended, of the Illinois Enterprise Zone Act.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to House Bill 2671
 Senate Amendment No. 1 to House Bill 6169

The following floor amendments to the Senate Resolutions listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 2 to Senate Joint Resolution 72
 Senate Amendment No. 2 to Senate Joint Resolution 75

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the

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Committee on Rules:

Motion to concur in House Amendment 1 to Senate Bill 1545
 Motion to Concur in House Amendment 1 to Senate Bill 1690
 Motion to Concur in H.A.'s 1, 2 and 3 to Senate Bill 2235

At the hour of 3:38 o'clock p.m., Senator Dudycz presiding.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 438

Offered by Senator Dillard and all Senators:
 Mourns the death of Forrest L. Tozer of Flossmoor.

The foregoing resolution was referred to the Resolutions Consent Calendar.

EXCUSED FROM ATTENDANCE

On motion of Senator Demuzio, Senator Clayborne was excused from attendance due to illness.

CONSIDERATION OF RESOLUTION ON SECRETARY'S DESK

Senator Philip moved that Senate Resolution No. 408, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Resolution 408 on page 1, by replacing lines 2 through 5 with the following:

"WHEREAS, The Illinois National Guard and its militia forebears have faithfully served the State and the nation for more than 300 years, quickly answering the call to arms with pride and professionalism; and

WHEREAS, Five brigades of Illinois volunteers, including Abraham Lincoln, were mustered in April 1832 to defend settlers and end hostilities during the Black Hawk War; and

WHEREAS, Illinois provided the Union with leaders such as President Lincoln and Generals Grant, Logan, and McClernand, as well as more than 250,000 men during the Civil War, the largest contingent of any state; and

WHEREAS, Illinois was the first state to respond to the Federal call for troops and mustered ten regiments, including Poet Carl Sandburg and the Naval Militia for service in the Spanish American War; and

WHEREAS, The Illinois National Guard was called for service to pursue Pancho Villa and restore peace on the Mexican Border in 1916; and

WHEREAS, 25,000 Illinois National Guard troops were mobilized during World War I and nine soldiers of the 33rd Infantry Division received Medals of Honor for their heroic conduct; and

WHEREAS, The 33rd Infantry Division helped recapture the Philippines, and Illinois National Guard units served in all theatres of World War II; and

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WHEREAS, Illinois National Guard units served in both the Korean Conflict and the Vietnam War; and

WHEREAS, In 1993, when the Mississippi River flooded its banks, 7,000 members of the Illinois National Guard provided assistance to their fellow Illinoisans who were displaced; and

WHEREAS, In recent years, 1,200 Illinois Army and Air National Guard members have been deployed to support operations in Macedonia, Kosovo, and Iraq; and

WHEREAS, Since late September 2001, when Governor Ryan activated nearly 300 soldiers to augment security forces at the State's 11 commercial airports, this vital reserve component with a unique dual, State, and federal mission has played an increasingly greater role in defending the homeland and contributing to the nation's war on terrorism; and

WHEREAS, More than 1,300 soldiers of the 66th Infantry Brigade have been mobilized to deploy to United States Army Europe in support of Operation Enduring Freedom as part of our nation's war on terrorism, representing the single largest mobilization of the Illinois Army National Guard to federal service since the Korean War; and

WHEREAS, More than 470 members of the Air National Guard are on active duty, fulfilling federal missions worldwide, including patrolling the no-fly zone over Southern Iraq; and

WHEREAS, The State of Illinois recognizes the continued dedicated service of Illinois' 13,000 Army and Air National Guard members who, like the founders of the colonial militias before them, serve the State and the nation by protecting the lives and property of their families, friends, and neighbors; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we designate May 16, 2002 as Illinois National Guard Day; and be it further

RESOLVED, That all residents of Illinois thank the soldiers and airmen of the Illinois National Guard for their dedication to our State and country and for their willingness to leave family, friends, employers, and school to answer the call to duty during this time of danger to our country; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Major General David Harris, the Adjutant General of the Illinois National Guard."

Senator Philip moved that Senate Resolution No. 408, as amended, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz

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Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

The motion prevailed.
 And the resolution, as amended, was adopted.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES
 A FIRST TIME

House Bill No. 4605, sponsored by Senator Philip was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 5150, sponsored by Senator Philip was taken up, read by title a first time and referred to the Committee on Rules.

MESSAGE FROM THE PRESIDENT

[May 21, 2002]

OFFICE OF THE SENATE PRESIDENT

JAMES "PATE" PHILIP
SENATE PRESIDENT

May 21, 2002

Mr. Jim Harry
Secretary of the Senate
401 State House
Springfield, IL 62706

Dear Mr. Secretary:

Pursuant to the provisions of Senate Rule 2-10(e), I hereby extend the deadline for House Bills Third Reading on the following category of bills, with specific bills enumerated under this category, to May 31, 2002:

Appropriations, specifically: House Bills 6056, 6060, 6061, 6065, 6066, 6067, 6068, 6071, 6075, 6083, 6084, and 6089.

Government Operations, specifically: House Bills 4605 and 5150.

Sincerely

s/James "Pate" Philip
Senate President

cc: Senator Jones

REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its May 21, 2002 meeting, reported the following House Bills have been assigned to the indicated Standing Committees of the Senate:

Appropriations: House Bills numbered 6056, 6060, 6061, 6065, 6066, 6067, 6068, 6071, 6075, 6083, 6084 and 6089.

Executive: House Bills numbered 4605 and 5150.

Senator Weaver, Chairperson of the Committee on Rules, during its May 21, 2002 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Appropriations: Senate Amendment No. 1 to House Bill 6169.

Education: Senate Amendment No. 2 to Senate Joint Resolution No. 75.

Insurance and Pensions: Senate Amendment No. 1 to House Bill 2671.

Senator Weaver, Chairperson of the Committee on Rules, during its May 21, 2002 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Education: Motion to Concur with House Amendment 1 to Senate Bill 1545.

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Licensed Activities: Motion to Concur with House Amendment 1 to Senate Bill 1690.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measure has been approved for consideration:

Motion to Concur with House Amendment 2 to Senate Bill 1622

The foregoing concurrence was placed on the Secretary's Desk.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

Senator T. Walsh, from the Committee appointed on the part of the Senate to adjust the differences between the two Houses on Senate Amendments numbered 1 and 2 to House Bill No. 2207, submitted the following Report of the First Conference Committee and moved its adoption:

92ND GENERAL ASSEMBLY CONFERENCE COMMITTEE REPORT ON HOUSE BILL 2207

To the President of the Senate and the Speaker of the House of Representatives:

We, the conference committee appointed to consider the differences between the houses in relation to Senate Amendments Nos. 1 and 2 to House Bill 2207, recommend the following:

1. that the Senate recede from Senate Amendments Nos. 1 and 2; and

2. that House Bill 2207 be amended by replacing everything after the enacting clause with the following:

"Section 1. Short Title. This Act may be cited as the Mortgage Certificate of Release Act.

Section 5. Definitions. As used in this Act:

"Mortgage" means a mortgage or mortgage lien on an interest in one-to-four family residential real property in this State given to secure a loan in the original principal amount of less than \$500,000. Trust deeds are not included.

"Mortgagee" means either: (i) the grantee of a mortgage; or (ii) if a mortgage has been assigned of record, the last person to whom the mortgage has been assigned of record.

"Mortgage servicer" means the last person to whom a mortgagor or the mortgagor's successor in interest has been instructed by a mortgagee to send payments on a loan secured by a mortgage. A person transmitting a payoff statement is the mortgage servicer for the mortgage described in the payoff statement.

"Mortgagor" means the grantor of a mortgage.

"Notice of intention to file certificate of release" means a statement from a title insurance company or title insurance agent to the person to whom payment of the loan secured by the mortgage was made in accordance with the payoff statement of the intention to record a certificate of release.

"Payoff statement" means a statement for the amount of the (i) unpaid balance of a loan secured by a mortgage, including principal, interest, and any other charges due under or secured by the mortgage; and (ii) interest on a per day basis for the unpaid balance.

"Record" means to deliver the certificate of release for recording with the county recorder.

"Title insurance agent" has the same meaning ascribed to it as in

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Section 3 of the Title Insurance Act.

"Title insurance company" has the same meaning ascribed to it as in Section 3 of the Title Insurance Act.

Section 10. Content and delivery of notice of intention to file certificate of release.

(a) The notice of intention to file a certificate of release shall state that if the title insurance company or title insurance agent does not receive from the mortgagee or mortgage servicer or its successor in interest either a release or a written objection to the issuance of a certificate of release pursuant to subsection (c) of this Section, a certificate of release may be delivered for recording to the recorder of each county in which the mortgage is recorded. A notice of intention to file a certificate of release should be in a form and include content that substantially complies with Section 65 of this Act. The notice of intention shall include a copy of the closing statement or HUD-1 form and the payoff check or a copy of it, or a copy of the wire transfer order.

(b) The notice of intention to file a certificate of release shall be sent by certified mail, return receipt requested, with postage prepaid, or by another service providing receipted delivery, no sooner than the day of closing and no later than 30 days after receipt of payment. The notice shall be delivered to the location identified in the payoff statement or as otherwise directed in writing by the mortgagee or mortgage servicer or its successor in interest. The notice may be sent with the payment, and need not be sent separately.

(c) Within 90 days after receipt of the notice of intention to file a certificate of release, the mortgagee or mortgage servicer or its successor in interest may issue a release or may object in writing to the issuance of a certificate of release, and by doing so shall prevent the title insurance company or title insurance agent from executing and recording a certificate of release pursuant to this Act. Any written objection submitted by the mortgagee or mortgage servicer or its successor in interest shall state the reason for which the release or certificate of release should not be issued. The written objection shall be sent to the title insurance company or title insurance agent by certified mail, return receipt requested, with postage prepaid, or by another service providing receipted delivery. A title insurance company or title insurance agent shall not cause a certificate of release to be recorded pursuant to this Section if the title insurance company or title insurance agent receives a written objection from the mortgagee or mortgage servicer or its successor in interest.

Section 15. Certificate of release. An officer or duly appointed agent of a title insurance company may, on behalf of a mortgagor or a person who has acquired from a mortgagor title to all or part of the property described in the mortgage, execute a certificate of release that complies with the requirements of this Act and record the certificate of release with the recorder of each county in which the mortgage is recorded, provided that payment of the loan secured by the mortgage was made in accordance with a written payoff statement furnished by the mortgagee or the mortgage servicer, that a satisfaction or release of the mortgage has not previously been recorded, and that a notice of intention to file a certificate of release was sent in accordance with Section 10.

Section 20. Contents of certificate of release. A certificate of release executed under this Act must contain substantially all of the following:

(a) The name of the mortgagor, the name of the original mortgagee, and, if applicable, the mortgage servicer at the date of

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the mortgage, the date of recording, and the volume and page or document number or other official recording designation in the real property records where the mortgage is recorded, together with similar information for the last recorded assignment of the mortgage.

(b) A statement that the mortgage was paid in accordance with the written payoff statement received from the mortgagee or mortgage servicer and there is no objection from the mortgagee or mortgage servicer or its successor in interest.

(c) A statement that the person executing the certificate of release is an officer or a duly appointed agent of a title insurance company authorized and licensed to transact the business of insuring titles to interests in real property in this State pursuant to subsections (2) and (3) of Section 3 of the Title Insurance Act.

(d) A statement that the certificate of release is made on behalf of the mortgagor or a person who acquired title from the mortgagor to all or a part of the property described in the mortgage.

(e) A statement that the mortgagee or mortgage servicer provided a written payoff statement.

Section 25. Execution. A certificate of release authorized by Section 15 must be executed and acknowledged as required by law, as in the case of a deed, and may be executed by an officer or a duly appointed agent of a title insurance company. The agent must be a currently registered title insurance agent of the title insurance company.

Section 30. Appointment of title insurance agent.

(a) The appointment of a title insurance agent must be executed and acknowledged as required by law, as in the case of a deed, and must state all of the following:

(1) the identity of the title insurance company as the principal;

(2) the identity of the person, partnership, limited partnership, limited liability company, limited liability partnership, or corporation authorized to act as title insurance agent to execute and record certificates of release provided for in this Act on behalf of the title insurance company;

(3) that the title insurance agent has the full authority to execute and record certificates of release provided for in this Act on behalf of the title insurance company;

(4) the term of appointment of the title insurance agent; and

(5) that the title insurance agent has consented to and accepts the terms of the appointment.

(b) The delegation to a title insurance agent by a title insurance company shall not relieve the title insurance company of any liability for actual damages as provided in Section 40.

(c) A title insurance company may create an instrument, executed by an officer of that company and acknowledged in the same manner as a deed, appointing one or more title insurance agents authorized to issue certificates of release under this Act. This instrument shall designate the county or counties in which it is to be effective and shall be recorded with the recorder in each each of those counties, either as an original instrument or by recording a copy certified by the recorder of one of the counties. A separate appointment of title insurance agent shall not be necessary for each certificate of release. The appointment of an agent may be re-recorded where necessary to establish authority of the agent, but the authority shall continue until a revocation of appointment is recorded in the office of the recorder where the appointment of title insurance agent was recorded or on the date, if any, in the recorded appointment document.

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Section 35. Effect of recording certificate of release. For purposes of releasing the lien of the mortgage, a certificate of release containing the information and statements provided for in Section 20 and executed as provided in Section 25 is prima facie evidence of the facts contained therein, and upon being recorded with the recorder, shall constitute a release of the lien of the mortgage described in the certificate of release. The title insurance company or title insurance agent recording the certificate of release may use the recording fee collected for the recording of a release or satisfaction of the mortgage to effect the recording of the certificate of release.

Section 40. Wrongful or erroneous certificate of release. Recording of a wrongful or erroneous certificate of release by a title insurance company or its title insurance agent shall not relieve the mortgagor or the mortgagor's successors or assignees from any personal liability on the loan or other obligations secured by the mortgage. In addition to any other remedy provided by law, a title insurance company executing or recording a certificate of release under this Act that has actual knowledge that the information and statements contained therein are false is liable to the mortgagee for actual damages sustained due to the recording of the certificate of release. The prevailing party in any action or proceeding seeking actual damages due to the recording of a certificate of release shall be entitled to the recovery of reasonable attorneys fees and costs incurred in that action or proceeding.

Section 45. Recording. If a mortgage is recorded in more than one county and a certificate of release is recorded in one of them, a certified copy of the certificate of release may be recorded in another county with the same effect as the original. In all cases, the certificate of release shall be entered and indexed where satisfactions or releases of mortgage are entered and indexed.

Section 50. Form of certificate of release. A certificate of release in substantially the following form complies with this Act.

CERTIFICATE OF RELEASE

Date:....Title Order No.:.....

1. Name of mortgagor(s):.....

2. Name of original mortgagee:.....

3. Name of mortgage servicer (if any):.....

4. Name of last assignee of mortgage or record (if any):.....

5. Mortgage recording: Vol.:.....Page:.....or Document No.:.....

6. Last assignment recording (if any):

Vol.:.....Page:.....or Document No.:.....

7. The above referenced mortgage has been paid in accordance with the payoff statement received from....., and there is no objection from the mortgagee or mortgage servicer or its successor in interest to the recording of this certificate of release.

8. The person executing this certificate of release is an officer or duly appointed agent of a title insurance company authorized and licensed to transact the business of insuring titles to interests in real property in this State pursuant to Section 30 of this Act.

9. This certificate of release is made on behalf of the mortgagor or a person who acquired title from the mortgagor to all or part of the property described in the mortgage.

10. The mortgagee or mortgage servicer provided a payoff statement.

11. The property described in the mortgage is as follows:

Permanent Index Number:.....

Common Address:.....

(Name of title insurance company)

By:.....

(Name of officer and title or name of agent and name of officer /

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representative thereof)

Address:.....

Telephone No.:.....

State of Illinois)

)

County of)

This instrument was acknowledged before me on(date) by
.....(name of person) as(officer for / agent of)(title
insurance company).

.....

Notary Public

My commission expires on.....

Section 55. Form of appointment of title insurance agent for
issuance of certificates of release. A title insurance company shall
use the following form for the appointment of its title insurance
agents for the purpose of executing certificates of release pursuant
to this Act.

APPOINTMENT OF TITLE INSURANCE AGENT OR AGENTS FOR ISSUANCE OF
CERTIFICATES OF RELEASE

..... (name of title insurance company) appoints

(name of title insurance agent or agents) to act as its agent or
agents for the purpose of executing and delivering for recording
certificates of release as provided by the Mortgage Certificate of
Release Act. This appointment shall commence on (date) and
(select one) continue until revoked as provided by that Act /
terminate on (date). The agent or agents appointed has/have
consented to and accept the terms of this appointment.

Dated this (date).

By:

..... (title insurance company)

..... (signature)

..... (typed / printed name & title)

..... (address)

..... (telephone number)

State of Illinois)

)

County of)

This instrument was acknowledged before me on(date)
by(name of person) as(officer for / agent of)
.....(title insurance company).

.....

Notary Public

My commission expires on.....

Section 60. Form of revocation of appointment of title insurance
agent or agents for issuance of certificates of release. A title
insurance company shall use the following form for the purpose of
revoking the appointment of its title insurance agent's authorization
for executing certificates of release pursuant to this Act.

REVOCATION OF APPOINTMENT OF TITLE INSURANCE
AGENT OR AGENTS FOR

ISSUANCE OF CERTIFICATES OF RELEASE

.... (name of title insurance company) revokes the appointment of
..... (name of title insurance agent or agents) to act as its agent
for the purpose of executing and delivering for recording
certificates of release as provided by the Mortgage Certificate of
Release Act. This Revocation shall be effective upon the recording
in each county, or on (date), if subsequent to recording. A
copy of this Revocation has been delivered to the named title
insurance agent or agents by certified U. S. mail, return receipt
requested, at the following address or addresses:

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.....(name of title insurance agent)
(address)
 Dated this (date).
 By:
 (title insurance company)
 (signature)
 (typed / printed name & title)
 (address)
 (telephone number)
 State of Illinois)
)
 County of)
 This instrument was acknowledged before me on(date)
 by(name of person) as(officer for / agent of)
(title insurance company).

 Notary Public
 My commission expires on.....

Section 65. Form of notice of intention to file certificate of release. A notice of intention to file certificate of release shall be in the following form. Use of a form substantially similar to this form complies with this Act.

NOTICE OF INTENTION TO FILE CERTIFICATE OF RELEASE

(Name of title insurance company or title insurance agent), authorized to issue certificates of release, having participated in the real estate closing resulting in the funding of the payoff of the mortgage originally recorded as Document No. ..., or Book at page or other filing made to (name of original mortgagee) hereby gives this notice of intention to file certificate of release.

If, within 90 days from the receipt of this notice by you, we have not received a release or satisfaction of the mortgage or an objection to the issuance of a certificate of release, we may record a certificate of release of this mortgage with the office of the recorder.

Enclosed is a copy of the closing statement or HUD-1 form and the payoff check or a copy of it, or copy of the wire transfer order.

Dated: (Insert date)

By: (Title Insurance Company or Title Insurance Agent as authorized agent of title insurance company)

By: (Name of officer of title insurance company or authorized title insurance agent)

(signed) ...

Section 90. Repeal. This Act is repealed on January 1, 2004. A certificate of release executed during the period in which this Act is in effect is valid and entitled to recording. Any certificate of release of record is effective as provided in Section 35 of this Act.

Section 95. The Mortgage Act is amended by changing Section 2 as follows:

(765 ILCS 905/2) (from Ch. 95, par. 52)

Sec. 2. Every mortgagee of real property, his assignee of record, or other legal representative, having received full satisfaction and payment of all such sum or sums of money as are really due to him from the mortgagor, and every trustee, or his successor in trust, in a deed of trust in the nature of a mortgage, the notes, bonds or other indebtedness secured thereby having been fully paid before September 7, 1973, shall, at the request of the mortgagor, or grantor in a deed of trust in the nature of a mortgage, his heirs, legal representatives or assigns, in case such mortgage or trust deed has been recorded or registered, make, execute and deliver to the mortgagor or grantor in a deed of trust in the nature of a

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mortgage, his heirs, legal representatives or assigns, an instrument in writing executed in conformity with the provisions of this section releasing such mortgage or deed of trust in the nature of a mortgage, which release shall be entitled to be recorded or registered and the recorder or registrar upon receipt of such a release and the payment of the recording fee therefor shall record or register the same.

Mortgages of real property and deeds of trust in the nature of a mortgage shall be released of record only in the manner provided herein or as provided in the Mortgage Certificate of Release Act; however, nothing contained in this Act shall in any manner affect the validity of any release of a mortgage or deed of trust made prior to January 1, 1952 on the margin of the record.

Every mortgagee of real property, his assignee of record, or other legal representative, having received full satisfaction and payment of all such sum or sums of money as are really due to him from the mortgagor, and every trustee, or his successor in trust, in a deed of trust in the nature of a mortgage, the notes, bonds or other indebtedness secured thereby having been fully paid after September 7, 1973, shall make, execute and deliver to the mortgagor or grantor in a deed of trust in the nature of a mortgage, his heirs, legal representatives or assigns, an instrument in writing releasing such mortgage or deed of trust in the nature of a mortgage or shall deliver that release to the recorder or registrar for recording or registering. If the release is delivered to the mortgagor or grantor, it must have imprinted on its face in bold letters at least 1/4 inch in height the following: "FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL BE FILED WITH THE RECORDER OR THE REGISTRAR OF TITLES IN WHOSE OFFICE THE MORTGAGE OR DEED OF TRUST WAS FILED". The recorder, or registrar, upon receipt of such a release and the payment of the recording or registration fee, shall record or register the release.

(Source: P.A. 83-358.)

Section 99. Effective date. This Act takes effect upon becoming law."

Submitted on April 10, 2002

s/Sen. Thomas J. Walsh

s/Sen. Carl Hawkinson

s/Sen. Kirk Dillard

Sen. John Cullerton

s/Sen. Barack Obama

Committee for the Senate

s/Rep. Robert Bugielski

s/Rep. Barbara Currie

Rep. Daniel Burke

s/Rep. Art Tenhouse

s/Rep. James H. Meyer

Committee for the House

And on that motion, a call of the roll was had resulting as follows:

Yeas 55; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz

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Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The motion prevailed.

And the Senate adopted the Report of the First Conference Committee on House Bill No. 2207.

Ordered that the Secretary inform the House of Representatives thereof.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

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SENATE BILL NO. 1975

A bill for AN ACT concerning day labor.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1975

House Amendment No. 2 to SENATE BILL NO. 1975

Passed the House, as amended, May 21, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1975

AMENDMENT NO. 1. Amend Senate Bill 1975 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 5.306 as follows:

(30 ILCS 105/5.306) (from Ch. 127, par. 141.306)

Sec. 5.306. The Child Labor and Day and Temporary Labor Services Enforcement Fund.

(Source: P.A. 87-139; 87-895.)

Section 10. The Day Labor Services Act is amended by changing the title of the Act and Sections 1, 5, 10, 15, 20, 25, 30, 35, 40, 45, and 50 and by adding Sections 55, 60, 65, 70, 75, and 80 as follows:

(820 ILCS 175/Act title)

AN ACT in relation to day and temporary labor services.

(820 ILCS 175/1)

Sec. 1. Short Title. This Act may be cited as the Day and Temporary Labor Services Act.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/5)

Sec. 5. Definitions. As used in this Act:

"Day or temporary laborer" means a natural person who contracts for employment with a day and temporary labor service agency.

"Day and temporary labor" means labor or employment that is occasional or irregular at which a person is employed for not longer than the time period required to complete the assignment for which the person was hired and where wage payments are made directly or indirectly by the day and temporary labor service agency or the third party employer for work undertaken by day or temporary laborers pursuant to a contract between the day and temporary labor service agency with the third party employer. "Day and temporary labor" does not include labor or employment of a professional or clerical nature.

"Day and temporary labor service agency" means any person or entity engaged in the business of employing day or temporary laborers to provide services to or for any third party employer pursuant to a contract with the day and temporary labor service and the third party employer.

"Department" means the Department of Labor.

"Third party employer" means any person that contracts with a day and temporary labor service agency for the employment of day or temporary laborers.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/10)

Sec. 10. Statement.

(a) Whenever a day and temporary labor service agency agrees to send one or more persons to work as day or temporary laborers, the day and temporary labor service agency shall, upon request by a day or temporary laborer, provide to the day or temporary laborer a

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statement containing the following items: "Name and nature of the work to be performed", "wages offered", "destination of the person employed", "terms of transportation", and whether a meal and equipment is provided, either by the day and temporary labor service or the third party employer, and the cost of the meal and equipment, if any.

(b) No day and temporary labor service agency may send any day or temporary laborer to any place where a strike, a lockout, or other labor trouble exists without first notifying the day or temporary laborer of the conditions.

(c) The Department shall recommend to day and temporary labor service agencies that those agencies employ personnel who can effectively communicate information required in subsections (a) and (b) to day or temporary laborers in Spanish, Polish, or any other language that is generally used in the locale of the day and temporary labor agency.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/15)

Sec. 15. Meals. A day and temporary labor service agency or a third party employer shall not charge a day or temporary laborer more than the actual cost of a meal. In no case shall the purchase of a meal be a condition of employment for a day or temporary laborer.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/20)

Sec. 20. Transportation. A day and temporary labor service agency or a third party employer shall charge no more than the actual cost to transport a day or temporary laborer to or from the designated work site; however, the total cost to each day or temporary laborer shall not exceed 3% of the day or temporary laborer's daily wages. Any motor vehicle that is owned or operated by the day and temporary labor service agency or a third party employer, or a contractor of either, which is used for the transportation of day or temporary laborers shall have proof of financial responsibility as provided for in Chapter 8 of the Illinois Vehicle Code.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/25)

Sec. 25. Day or temporary laborer equipment. For any safety equipment, clothing, accessories, or any other items required by the nature of the work, either by law, custom, or as a requirement of the third party employer, the day and temporary labor service agency or the third party employer may charge the day or temporary laborer the market value of the item temporarily provided to the day or temporary laborer by the third party employer if the day or temporary laborer fails to return such items to the third party employer or the day and temporary labor service agency. For any other equipment, clothing, accessories, or any other items the day and temporary labor service agency makes available for purchase, the day or temporary laborer shall not be charged more than the actual market value for the item.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/30)

Sec. 30. Wage Payment.

(a) At the time of the payment of wages, a day and temporary labor service agency shall provide each day or temporary laborer with an itemized statement showing in detail each deduction made from the wages.

(b) A day and temporary labor service agency shall provide each worker an annual earnings summary within a reasonable time after the preceding calendar year, but in no case later than February 1. A day and temporary labor service agency shall, at the time of each wage

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payment, give notice to day or temporary laborers of the availability of the annual earnings summary or post such a notice in a conspicuous place in the public reception area.

(c) At the request of a day or temporary laborer, a day and temporary labor service agency shall hold the daily wages of the day or temporary laborer and make either weekly or semi-monthly payments. The wages shall be paid in a single check representing the wages earned during the period, either weekly or semi-monthly, designated by the day or temporary laborer in accordance with the Illinois Wage Payment and Collection Act. Day and temporary labor service agencies that make daily wage payments shall provide written notification to all day or temporary laborers of the right to request weekly or semi-monthly checks. The day and temporary labor service agency may provide this notice by conspicuously posting the notice at the location where the wages are received by the day or temporary laborers.

(d) No day and temporary labor service agency shall charge any day or temporary laborer for cashing a check issued by the agency for wages earned by a day or temporary laborer who performed work through that agency.

(e) Day or temporary laborers shall be paid no less than the wage rate stated in the notice as provided in Section 10 of this Act for all the work performed on behalf of the third party employer in addition to the work listed in the written description.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/35)

Sec. 35. Public Access Area. Each day and temporary labor service agency shall provide adequate seating in the public access area of the offices of the agency. The public access area shall be the location for the employment and wage notices required by Section 10 of this Act. The public access area shall allow for access to restrooms and water.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/40)

Sec. 40. Work Restriction. No day and temporary labor service agency shall restrict the right of a day or temporary laborer to accept a permanent position with a third party employer to whom the day or temporary laborer has been referred for work or restrict the right of such third party employer to offer such employment to a day or temporary laborer. Nothing in this Section shall restrict a day and temporary labor service agency from receiving a placement fee from the third party employer for employing a day or temporary laborer for whom a contract for work was effected by the day and temporary labor service agency.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/45)

Sec. 45. Registration; Department of Labor. A day and temporary labor service agency shall register with the Department of Labor in accordance with rules adopted by the Department for day and temporary labor service agencies that operate within the State. The Department may assess each agency a non-refundable registration fee not exceeding \$250 per year. The fee may be paid by check or money order and the Department may not refuse to accept a check on the basis that it is not a certified check or a cashier's check. The Department may charge an additional fee to be paid by an agency if the agency, or any person on the agency's behalf, issues or delivers a check to the Department that is not honored by the financial institution upon which it is drawn. The Department shall also adopt rules for violation hearings and penalties for violations of this Act or the Department's rules in conjunction with the fines and penalties set

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forth in this Act. The Department shall cause to be posted in each agency a notice which informs the public of a toll-free telephone number for day or temporary laborers and the public to file wage dispute complaints and other alleged violations by day and temporary labor service agencies.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/50)

Sec. 50. Violations. The Department shall have the authority to suspend or revoke the registration of a day and temporary labor service agency if warranted by public health and safety concerns or violations of this Act.

(Source: P.A. 91-579, eff. 1-1-00.)

(820 ILCS 175/55 new)

Sec. 55. Enforcement. It shall be the duty of the Department to enforce the provisions of this Act. The Department shall have the power to conduct investigations in connection with the administration and enforcement of this Act and any investigator with the Department shall be authorized to visit and inspect, at all reasonable times, any places covered by this Act. The Department shall conduct hearings in accordance with the Illinois Administrative Procedure Act upon written complaint by an investigator of the Department or any interested person of a violation of the Act. After the hearing, if supported by the evidence, the Department may (i) issue and cause to be served on any party an order to cease and desist from further violation of the Act, (ii) take affirmative or other action as deemed reasonable to eliminate the effect of the violation, (iii) deny, suspend, or revoke any registration under this Act, and (iv) determine the amount of any civil penalty allowed by the Act. The Director of Labor or his or her representative may compel, by subpoena, the attendance and testimony of witnesses and the production of books, payrolls, records, papers, and other evidence in any investigation or hearing and may administer oaths to witnesses. Nothing in this Act applies to labor or employment of a clerical or professional nature.

(820 ILCS 175/60 new)

Sec. 60. Review under Administrative Review Law. Any party to a proceeding under this Act may apply for and obtain judicial review of an order of the Department entered under this Act in accordance with the provisions of the Administrative Review Law, and the Department in proceedings under the Act may obtain an order from the court for the enforcement of its order.

(820 ILCS 175/65 new)

Sec. 65. Contempt. Whenever it appears that any day and temporary labor service agency has violated a valid order of the Department issued under this Act, the Director of Labor may commence an action and obtain from the court an order commanding the day and temporary labor service agency to obey the order of the Department or be adjudged guilty of contempt of court and punished accordingly.

(820 ILCS 175/70 new)

Sec. 70. Penalties. A day and temporary labor service agency that violates any of the provisions of this Act concerning registration, transportation, equipment, meals, wages, or waiting rooms shall be subject to a civil penalty not to exceed \$500 for any violations found in the first audit by the Department and not to exceed \$5,000 for any violations found in the second audit by the Department. For any violations that are found in a third audit by the Department that are within 7 years of the earlier violations, the Department may revoke the registration of the violator. In determining the amount of a penalty, the Director shall consider the appropriateness of the penalty to the day and temporary labor service

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agency charged, upon the determination of the gravity of the violations. The amount of the penalty, when finally determined, may be:

(1) Recovered in a civil action brought by the Director of Labor in any circuit court. In this litigation, the Director of Labor shall be represented by the Attorney General.

(2) Ordered by the court, in an action brought by any party for a violation under this Act, to be paid to the Director of Labor.

Any administrative determination by the Department as to the amount of each penalty shall be final unless reviewed as provided in Section 60 of this Act.

(820 ILCS 175/75 new)

Sec. 75. Willful violations. Whoever willfully violates any of the provisions of this Act or any rule adopted under this Act, or whoever obstructs the Department of Labor, its inspectors or deputies, or any other person authorized to inspect places of employment under this Act shall be guilty of a Class A misdemeanor. Each day during which a violation of this Act continues shall constitute a separate and distinct offense, and the employment of any person in violation of the Act shall, with respect to each person so employed, constitute a separate and distinct offense. Whenever, in the opinion of the Department, a violation of the Act has occurred, the Department shall report the violation to the Attorney General of this State who shall have authority to prosecute all reported violations.

(820 ILCS 175/80 new)

Sec. 80. Child Labor and Day and Temporary Labor Enforcement Fund. All moneys received as fees and civil penalties under this Act shall be deposited into the Child Labor and Day and Temporary Labor Enforcement Fund and may be used for the purposes set forth in Section 17.3 of the Child Labor Law.

Section 15. The Child Labor Law is amended by changing Section 17.3 as follows:

(820 ILCS 205/17.3) (from Ch. 48, par. 31.17-3)

Sec. 17.3. Any employer who violates any of the provisions of this Act or any rule or regulation issued under the Act shall be subject to a civil penalty of not to exceed \$5,000 for each such violation. In determining the amount of such penalty, the appropriateness of such penalty to the size of the business of the employer charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, may be

(1) recovered in a civil action brought by the Director of Labor in any circuit court, in which litigation the Director of Labor shall be represented by the Attorney General;

(2) ordered by the court, in an action brought for violation under Section 19, to be paid to the Director of Labor.

Any administrative determination by the Department of Labor of the amount of each penalty shall be final unless reviewed as provided in Section 17.1 of this Act.

Civil penalties recovered under this Section shall be paid into the Child Labor and Day and Temporary Labor Enforcement Fund, a special fund which is hereby created in the State treasury. Moneys in the Fund may shall be used, subject to appropriation, for exemplary programs, demonstration projects, and other activities or purposes related to the enforcement of this Act or for the activities or purposes related to the enforcement of the Day and Temporary Labor Services Act.

(Source: P.A. 87-139; 88-365.)

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Section 99. Effective date. This Act takes effect January 1, 2003."

AMENDMENT NO. 2 TO SENATE BILL 1975

AMENDMENT NO. 2. Amend Senate Bill 1975, AS AMENDED, by replacing the title with the following:

"AN ACT concerning labor."; and

by inserting after Section 5 the following:

"Section 7. The Prevailing Wage Act is amended by changing Sections 4 and 5 as follows:

(820 ILCS 130/4) (from Ch. 48, par. 39s-4)

Sec. 4. The public body awarding any contract for public work or otherwise undertaking any public works, shall ascertain the general prevailing rate of hourly wages in the locality in which the work is to be performed, for each craft or type of worker or mechanic needed to execute the contract, and where the public body performs the work without letting a contract therefor, shall ascertain the prevailing rate of wages on a per hour basis in the locality, and such public body shall specify in the resolution or ordinance and in the call for bids for the contract, that the general prevailing rate of wages in the locality for each craft or type of worker or mechanic needed to execute the contract or perform such work, also the general prevailing rate for legal holiday and overtime work, as ascertained by the public body or by the Department of Labor shall be paid for each craft or type of worker needed to execute the contract or to perform such work, and it shall be mandatory upon the contractor to whom the contract is awarded and upon any subcontractor under him, and where the public body performs the work, upon the public body, to pay not less than the specified rates to all laborers, workers and mechanics employed by them in the execution of the contract or such work; provided, however, that if the public body desires that the Department of Labor ascertain the prevailing rate of wages, it shall notify the Department of Labor to ascertain the general prevailing rate of hourly wages for work under contract, or for work performed by a public body without letting a contract as required in the locality in which the work is to be performed, for each craft or type of worker or mechanic needed to execute the contract or project or work to be performed. Upon such notification the Department of Labor shall ascertain such general prevailing rate of wages, and certify the prevailing wage to such public body. The public body awarding the contract shall cause to be inserted in the contract a stipulation to the effect that not less than the prevailing rate of wages as found by the public body or Department of Labor or determined by the court on review shall be paid to all laborers, workers and mechanics performing work under the contract. It shall also require in all such contractor's bonds that the contractor include such provision as will guarantee the faithful performance of such prevailing wage clause as provided by contract. All bid specifications shall list the specified rates to all laborers, workers and mechanics in the locality for each craft or type of worker or mechanic needed to execute the contract. If the Department of Labor revises the prevailing rate of hourly wages to be paid by the public body, the revised rate shall apply to such contract, and the public body shall be responsible to notify the contractor and each subcontractor, of the revised rate. Two or more investigatory hearings under this Section on the issue of establishing a new prevailing wage classification for a particular craft or type of worker shall be consolidated in a single hearing before the Department. Such consolidation shall occur whether each separate investigatory hearing is conducted by a public body or the Department. The party requesting

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a consolidated investigatory hearing shall have the burden of establishing that there is no existing prevailing wage classification for the particular craft or type of worker in any of the localities under consideration.

(Source: P.A. 86-799.)

(820 ILCS 130/5) (from Ch. 48, par. 39s-5)

Sec. 5. The contractor and each subcontractor or the officer of the public body in charge of the project shall keep or cause to be kept, an accurate record showing the names and occupation of all laborers, workers and mechanics employed by them, in connection with said public work, and showing also the actual hourly wages paid to each of such persons, which record shall be open at all reasonable hours to the inspection of the public body awarding the contract, its officers and agents, and to the Director of Labor and his deputies and agents. Any contractor or subcontractor that maintains its principal place of business outside of this State shall make the required records or accurate copies of those records available within this State at all reasonable hours for inspection.

(Source: P.A. 81-992.)"; and

by replacing Section 99 with the following:

"Section 99. Effective date. This Act takes effect upon becoming law, except that the provisions amending the State Finance Act, the Day Labor Services Act, and the Child Labor Law take effect on January 1, 2003."

Under the rules, the foregoing Senate Bill No. 1975, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 1033

A bill for AN ACT concerning Gulf War Veterans.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 1033.

Senate Amendment No. 2 to HOUSE BILL NO. 1033.

Concurred in by the House, May 21, 2002.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 5610

A bill for AN ACT in relation to vehicles.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 5610.

Senate Amendment No. 2 to HOUSE BILL NO. 5610.

Concurred in by the House, May 21, 2002.

[May 21, 2002]

ANTHONY D. ROSSI, Clerk of the House

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Rauschenberger, Senate Bill No. 2392, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 32; Nays None; Present 23.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Jacobs
Jones, W.
Karpiel
Klemm
Lauzen
Luechtefeld
Mahar
Myers
Noland
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Sieben
Stone
Sullivan
Syverson
Walsh, T.
Watson
Weaver
Mr. President

The following voted present:

Bowles
DeLeo
del Valle
Demuzio
Halvorson
Hendon
Jones, E.
Lightford
Link
Madigan
Molaro

[May 21, 2002]

Munoz
Obama
O'Daniel
Ronen
Shadid
Shaw
Silverstein
Trotter
Viverito
Walsh, L.
Welch
Woolard

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Rauschenberger, Senate Bill No. 2393, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 31; Nays None; Present 24.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Jones, W.
Karpel
Klemm
Lauzen
Luechtefeld
Mahar
Myers
Noland
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Sieben
Stone
Sullivan
Syverson
Walsh, T.
Watson
Weaver
Mr. President

[May 21, 2002]

The following voted present:

Bowles
DeLeo
del Valle
Demuzio
Halvorson
Hendon
Jones, E.
Lightford
Link
Madigan
Molaro
Munoz
Obama
O'Daniel
Ronen
Shadid
Shaw
Silverstein
Smith
Trotter
Viverito
Walsh, L.
Welch
Woolard

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Rauschenberger, Senate Bill No. 2394, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 33; Nays None; Present 23.

The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Jacobs
Jones, W.
Karpel
Klemm
Lauzen
Luechtefeld
Mahar
Myers
Noland

[May 21, 2002]

O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Sieben
Stone
Sullivan
Syverson
Walsh, T.
Watson
Weaver
Mr. President

The following voted present:

DeLeo
del Valle
Demuzio
Halvorson
Hendon
Jones, E.
Lightford
Link
Madigan
Molaro
Munoz
Obama
O'Daniel
Ronen
Shadid
Shaw
Silverstein
Smith
Trotter
Viverito
Walsh, L.
Welch
Woolard

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Rauschenberger, Senate Bill No. 2395, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 32; Nays None; Present 24.

The following voted in the affirmative:

Bomke
Brady
Burzynski

[May 21, 2002]

Dillard
 Donahue
 Dudycz
 Geo-Karis
 Hawkinson
 Jacobs
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Luechtefeld
 Mahar
 Myers
 Noland
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Roskam
 Sieben
 Stone
 Sullivan
 Syverson
 Walsh, T.
 Watson
 Weaver
 Mr. President

The following voted present:

Bowles
 DeLeo
 del Valle
 Demuzio
 Halvorson
 Hendon
 Jones, E.
 Lightford
 Link
 Madigan
 Molaro
 Munoz
 Obama
 O'Daniel
 Ronen
 Shadid
 Shaw
 Silverstein
 Smith
 Trotter
 Viverito
 Walsh, L.
 Welch
 Woolard

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

[May 21, 2002]

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Rauschenberger, Senate Bill No. 2396, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 32; Nays None; Present 24.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Dillard
Donahue
Dudycz
Geo-Karis
Hawkinson
Jacobs
Jones, W.
Karpiel
Klemm
Lauzen
Luechtefeld
Mahar
Myers
Noland
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Sieben
Stone
Sullivan
Syverson
Walsh, T.
Watson
Weaver
Mr. President

The following voted present:

Bowles
DeLeo
del Valle
Demuzio
Halvorson
Hendon
Jones, E.
Lightford
Link
Madigan
Molaro
Munoz
Obama

[May 21, 2002]

O'Daniel
 Ronen
 Shadid
 Shaw
 Silverstein
 Smith
 Trotter
 Viverito
 Walsh, L.
 Welch
 Woolard

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Rauschenberger, Senate Bill No. 2397, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 32; Nays None; Present 24.

The following voted in the affirmative:

Bomke
 Brady
 Burzynski
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Hawkinson
 Jacobs
 Jones, W.
 Karpziel
 Klemm
 Lauzen
 Luechtefeld
 Mahar
 Myers
 Noland
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Roskam
 Sieben
 Stone
 Sullivan
 Syverson
 Walsh, T.
 Watson
 Weaver
 Mr. President

[May 21, 2002]

The following voted present:

Bowles
DeLeo
del Valle
Demuzio
Halvorson
Hendon
Jones, E.
Lightford
Link
Madigan
Molaro
Munoz
Obama
O'Daniel
Ronen
Shadid
Shaw
Silverstein
Smith
Trotter
Viverito
Walsh, L.
Welch
Woolard

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Ronen moved that Senate Resolution No. 270, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Ronen moved that Senate Resolution No. 270 be adopted.

The motion prevailed.

And the resolution was adopted.

Senator Donahue moved that Senate Joint Resolution No. 65, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Donahue moved that Senate Joint Resolution No. 65, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
DeLeo
del Valle

[May 21, 2002]

Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Senator Parker moved that Senate Joint Resolution No. 72, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

The following amendment was offered in the Committee on

[May 21, 2002]

Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO.1. Amend Senate Joint Resolution 72 on page 1 by replacing lines 2 through 6 with the following:

"WHEREAS, The mission of the Illinois State Toll Highway Authority is to provide and promote a safe and efficient system of toll highways; and

WHEREAS, The Tollway, comprised of the Northwest, the Tri-State, the East-West, and the North-South Tollways, consists of 274 miles (1,650 lane miles), 539 bridge structures, 20 mainline plazas, and 47 ramp plazas; and

WHEREAS, The Toll Highway Authority reported a \$374,100,000 budget for 2002, consisting of revenue of \$353,900,00 from tolls, \$15,200,000 from interest income, and \$5,000,000 from concessions and other sources, and expenditures of \$180,200,000 for maintenance and operations, \$105,500,000 for renewal and replacement, \$79,700,000 for debt service, and \$8,700,000 for improvements; and

WHEREAS, Thousands of Illinois citizens travel the Tollway system on a daily basis and pay the tolls used to finance Tollway operations; and

WHEREAS, Given the impact of the Tollway on its users, as well as on the transportation needs of the State, it is important that the management and operation of the Tollway be reviewed to ensure that it is making efficient and economical use of its resources; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that we respectfully direct the Illinois Auditor General to undertake a management audit of the Illinois State Toll Highway Authority to determine whether the Toll Highway Authority is managing or using its resources, including toll and investment-generated revenue, personnel, property, equipment, and space, in an economical and efficient manner; and be it further

RESOLVED, That the audit shall make recommendations to correct any inefficiencies or uneconomical practices; and be it further

RESOLVED, That the audit shall, in addition, examine the process by which the Authority collects, transports, counts, and deposits toll collections; and be it further

RESOLVED, That the Auditor General shall complete this audit within one year of the date of final passage of this resolution; and be it further

RESOLVED, That the Authority shall pay for the cost of this management audit; and be it further

RESOLVED, That copies of this resolution be delivered to the Auditor General and the Illinois State Toll Highway Authority."

Floor Amendment No. 2 was filed earlier today and referred to the Committee on Rules.

Senator Parker moved that Senate Joint Resolution No. 72, as amended, be adopted.

And on that motion a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Brady

[May 21, 2002]

Burzynski
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The motion prevailed.

And the resolution, as amended, was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

[May 21, 2002]

COMMITTEE MEETING ANNOUNCEMENTS

The Chair announced that the following Committees will meet Wednesday, May 22, 2002:

Education, Room 212, Capitol Building at 10:00 o'clock a.m.
 Insurance and Pensions, Room 212, Capitol Building at 11:00 o'clock a.m.
 Licensed Activities, Room A1, Stratton Building at 12:00 o'clock noon
 Appropriations, Room 212, Capitol Building at 12:30 o'clock p.m.

At the hour of 4:19 o'clock p.m., on motion of Senator Geo-Karis, the Senate stood adjourned until Wednesday, May 22, 2002 at 2:00 o'clock p.m.

[May 21, 2002]